

Pursuant to a primary jurisdiction referral by a Missouri Federal District Court, Global Crossing filed a Petition for Declaratory Ruling on October 27, 2002, asking the Commission to declare that Tariff F.C.C. No. 73 of Southwestern Bell Telephone, L.P. (“SBC”) requires SBC to determine the appropriate terminating switched access rates for wireless telephone calls – *i.e.*, the interstate or intrastate rate – based on the “percent interstate use” (“PIU”) factors provided to SBC by SBC’s switched access customers, rather than on the originating and terminating telephone numbers associated with such calls. On November 12, 2004, SBC filed a Petition for Declaratory Ruling asking that the Commission declare that all of SBC’s interstate access tariffs

permit it to use originating and terminating telephone numbers to determine the terminating switched access rates for wireless telephone calls. The Commission issued a Public Notice (DA 04-3865) on December 8, 2004, establishing a pleading cycle on the Global Crossing and SBC Petitions. The Public Notice requires that comments and reply comments be filed by December 29, 2004 and January 10, 2005, respectively.

A grant of CompTel's request for a modest extension of time is appropriate in this case. The Public Notice raises questions relating to both the proper construction of SBC's tariffs and broader public policy issues relating to the proper method for determining the jurisdiction of wireless telephone traffic. Due to the December holidays and vacation schedules, many CompTel members' personnel with the data and other information related to the issues raised in the Public Notice have been (and will be) unavailable during the current comment period. Moreover, CompTel's members have had limited time in December to address the Public Notice because they are involved in other substantial Commission proceedings, including the Triennial Review Remand Proceeding. The brief extension of time requested by CompTel to file its members comments in this proceeding would thus greatly facilitate the development of a complete and accurate record for the Commission's review.

No prejudice to any party would result from this modest extension. The extension will delay the closing of the comment period by only 30 days. In similar circumstances, the Commission has in the past granted requests for an extension to file comments. *E.g., Performance Measurements and Standards for Interstate Special Access Services*, Order, 16 FCC Rcd. 22,117 (2001) (granting an extension where "the original comment schedule, which fell within the upcoming holiday season, would not provide [commenters] . . . an adequate opportunity to consider the issues raised in th[e] proceeding, and [where] . . . an extension would

not prejudice the interests of other parties”). CompTel respectfully submits that in this proceeding as well, a grant of the additional time requested would allow all interested parties a meaningful opportunity to respond to issues raised in the comments, and would assist the Commission in reaching its decision based on a complete record. *Cf. id.*

For all of these reasons, CompTel respectfully requests that the Commission grant its motion for an extension of time to file comments and reply comments in this proceeding to January 20, 2005 and February 9, 2005, respectively.

Respectfully submitted,

/s/ Jonathan Lee

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December 16, 2004

## CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of December, 2004, I caused true and correct copies of the forgoing Motion for Extension of Time to be served on parties listed below by electronic filing.

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